

REMARKS

Favorable consideration of this application is kindly requested. Applicants thank the Examiner for approving the proposed drawings.

Information Disclosure Statements were timely filed on June 25, 2003, and September 8, 2003. Applicants kindly request that the Examiner consider same and so indicate in the next paper. Should there be any problems, the Examiner is kindly invited to contact Applicants' below-signed representative by telephone.

Applicants appreciate the Examiner's indication of allowable subject matter in claims 4, 6 and 9-11. As will be seen below, however, the remaining claims are also allowable over the art of record.

Claim Rejections - 35 USC § 112

The rejection of Claims 14-16, 18 and 19 under 35 U.S.C. § 112, second paragraph, is obviated by amendment. The objectionable preferred limitations have been removed. Withdrawal of this ground of rejection is thus warranted.

Claim Rejections - 35 USC § 103

The respective art rejections set out at paragraphs 7-20 are kindly traversed. The present invention is not obvious over any combination of Ayyagari et al (U.S. 4,455,506), Gnade et al (U.S. 5,525,857), Ayers et al (U.S. 5,885,843), or Hunter et al (U.S. 4,458,177). The rejections are unsustainable and they should be withdrawn.

The Office asserts that it would be obvious to replace the Ayyagari et al transparent dielectric layer **16** with the Gnade et al insulating layer **20** based on the asserted teaching in Gnade et al at column 8, lines 5-8. This assertion is without merit. Gnade et al provide no such motivation. Gnade et al, column 8, lines 5-8, disclose the following (emphasis added):

“The use of aerogel *instead of SiO₂* reduces total power consumption up to 30% thereby enhancing the competitive advantage . . .”

Ayyagari et al, in contrast, discloses:

“The transparent dielectric layers 16 and 20 can be *yttrium oxide*.” (column 2, lines 17-20, emphasis added)

Where is the motivation asserted by the Office to use the Gnade et al *aerogel* in place of the Ayyagari et al *yttrium oxide*? Indeed, Gnade et al suggest the substitution of aerogel for SiO₂, but Gnade et al does not suggest using aerogel in place of yttrium oxide, which is the *only* material disclosed for the transparent dielectric layer in Ayyagari et al. The Office has not made out a *prima facie* case for obviousness, and the rejection should be withdrawn as unsustainable.

No motivation exists to combine the references as asserted by the Office, and no expectation of success resides in the combination. In addition, combining the references would not result in all the elements of the claims because neither reference discloses or suggests the claimed requirement of a low refractive index member having a refractive index greater than 1 and not greater than 1.30. The Office has not supported its apparent assertion that the Gnade et al aerogel necessarily meets this claim limitation. For this and the reasons given above, the rejection should be withdrawn as unsustainable.

The addition of Ayers et al and Hunter et al does not cure the deficiency of either Ayyagari et al or Gnade et al with respect to at least the broad claims. Accordingly, the addition of the secondary references cannot meet the limitations of the dependent claims. Applicants kindly request that these rejections be withdrawn accordingly.

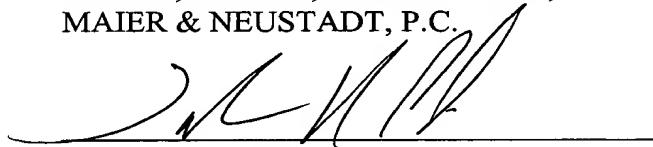
Applicants submit herewith an executed copy of the Inventor's Declaration filed May 30, 2003, and kindly request that it be placed in the record.

Application No. 09/708,657
Reply to Office Action of July 21, 2003

This application is now in condition for allowance, and an early indication of same is kindly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to be 'N. F. Oblon', written over a horizontal line.

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